

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DEBRA A. BRANDT,	)	CASE NO. 1:07 cv 952
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	MEMORANDUM OPINION
	)	AND ORDER
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
	)	
Defendant.	)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the ten-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

In fact, prior to the issuance of any report and recommendation by the Magistrate Judge, the parties filed joint stipulations (1) agreeing to reversal of the Commissioner's decision with remand for further proceedings pursuant to the fourth

sentence of 42 U.S.C. § 405(g) (Doc. No. 18); and (2) an award of attorney's fees in favor of Plaintiff in the amount of \$4,800 under the Equal Access to Justice Act, 28 U.S.C. § 2412, to be made payable directly to Plaintiff's counsel. (Doc. No. 19.) The Magistrate Judge's report and recommendation merely adopts the terms of the two stipulations.

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, Defendant's final determination is **REVERSED**. Pursuant to sentence four of 42 U.S.C. § 405(g), this matter is hereby **REMANDED** to the Commissioner for a new hearing and entry of decision based thereon. In addition, Plaintiff is awarded attorney's fees of \$4,800 under the Equal Access to Justice Act, payable directly to Plaintiff's counsel, Paulette F. Balin. The award of attorney's fees fully satisfies Plaintiff's claim for fees, costs, and expenses under 28 U.S.C. § 2412, that may be payable in this case. The case is closed.

**IT IS SO ORDERED.**

Dated: February 25, 2008

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**